

OGC Has Reviewed

Bree for A&M

12 November 1948

Office of the General Counsel

Claim by Western Maryland Railway Company

1. In accordance with your conversation with Mr. Houston, the undersigned went to Baltimore on 8 November 1948 to discuss the claim of the Western Maryland Railway for \$244,41 damages resulting from an accident in which a trailer truck belonging to this Agency struck a valve on one of the Railway's piers.

2. According to the information contained in the file and obtained from [] of our organization, at the time of the accident, our truck was engaged in a ship-loading operation and was proceeding over the eastern side of the pier toward a ship which was moored alongside the western side. In making the "U" turn at the end of the pier, the truck struck a control sprinkler valve attached to a supporting beam. Although he did not witness the accident, [] had accompanied our trucks, and he was informed by the Chief Engineer of the Railway that it would be necessary to replace the entire valve.

3. The driver has stated that, at the time of the accident, he was following directions from a man on the pier. Since a number of people collected immediately after the accident, it was apparently impossible to determine the identity of this particular man and whether he was an employee of the Railway.

4. Mr. Aaron of the Chief Engineer's office of the Railway informed me that he had full authority to enforce, withdraw, or settle the claim, and, together with a Mr. Hammond, also of the Chief Engineer's office, we went to the scene of the accident to inspect the valve and its general location. The pier is so constructed that it can accommodate about three large cargo ships heel and toe on either side. Under the covered central portion, railway tracks run almost the length of the pier within a sunken area. Storage for cargo and passage for trucks is provided in the space immediately surrounding the area containing the tracks. Following the usual construction of covered piers, there are large supporting vertical beams at intervals inside the enclosure. The damaged valve was located about four feet off the ground on one of these beams and projected slightly into the vehicle roadway which was narrow at this point, although wide enough for cautious passage. The valve was a master control for a large internal sprinkling system, and the rather high cost of restoring it was partly due to the fact that the connecting pipes were kept under constant air pressure. STATINTL

new valve has been replaced in a position that will protect it from vehicle traffic, and where it would not be reached by a car following the path taken by our truck.

5. I discussed the accident at some length with Mr. Aaron and explained our contention that the valve was in an exposed position, and that a person who was not an employee of this organization - apparently on the pier with the Railway's permission - had given negligent instructions to our driver. (Maryland law does not require the direction of such traffic.) After some negotiation, Mr. Aaron agreed to reduce his claim to the flat sum of \$160.00. In view of the fact that we cannot ascertain the identity of the person on the pier who was giving instructions, as well as the fact that our driver was negligent in an indeterminate degree, the sum of \$160.00 is recommended as a satisfactory settlement of this claim. Mr. Aaron was informed that his offer would be taken under consideration. If this disposition of the claim is acceptable to you, please indicate your approval in the lower left hand corner of this memorandum, and we will advise Mr. Aaron and the Chief of Finance accordingly.

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APPROVED:

EXEC VLM AAM

(Date)

General Counsel: :mes

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